

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Penalty Relief,
Termination of Probation, of:

Case No. 1E-2001-125966

ALEXIS CONSTANTINE NIXON

OAH No. N2006010882

Physician Assistant License
Number PA-14878

Petitioner.

DECISION

On March 23, 2006, in Sacramento, California, the Physician Assistant Committee (Committee), Medical Board of California, Department of Consumer Affairs, State of California, heard this matter. Board members present and participating were Laurie C. Gregg, M.D., Tina Melendrez-Meyer, PA, Steve Klompus, PA, Rebecca Grisby, Public Member, Cristina Diaz, Public Member, Lorelei Sun, PA, and Robert E. Sachs, PA-C, Chairperson. Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

Daniel J. Turner, Deputy Attorney General, represented complainant.

Alexis Constantine Nixon, petitioner, appeared in his own behalf.

Evidence was received, the record was closed and the matter was submitted. The Committee met in executive session and reached this Decision.

FACTUAL FINDINGS

1. On or about July 12, 2005, petitioner signed the Petition for Penalty Relief, Termination of Probation, and thereafter filed it with the Committee. Petitioner also provided his own written narrative statement and letters of support from two employing physicians, each of which was dated later than his petition. After receipt of the documents, the matter was set for hearing before the Committee.

2. On or about March 4, 1999, the Committee issued Physician Assistant License Number PA-14878 to respondent.

The license was disciplined effective May 15, 2003, in the proceeding entitled *In the Matter of the Accusation Against: Alexis Constantine Nixon, P.A.*, Case No. 1E-2001-125966, when the Committee issued its Decision and Order. The Decision and Order adopted a Stipulation and Disciplinary Order voluntarily entered into by petitioner and complainant. In the Stipulation, petitioner admitted violating Business and Professions Code sections 2234, subdivision (b), and 3527, subdivision (a), (gross negligence); 2234, subdivision (c), and 3527, subdivision (a), (repeated negligent acts); and 3502.1 and 3527, subdivision (a), (unauthorized issuance of drug order and issuance of drug order for controlled substance without advance approval). The Decision and Order revoked petitioner's license, stayed the revocation and placed petitioner on probation for five (5) years with various terms and conditions of probation.

3. Petitioner has been on probation for less than three years of his five-year term of probation, a relatively short time considering the violations he admitted. He is in compliance with all of the terms and conditions of his probation, and the biological fluid tests have been negative for controlled substances.

4. While testifying at the hearing, petitioner displayed a lack of knowledge regarding the legal requirements governing when and how physician assistants can prescribe medications. He displayed a similar lack of knowledge about the legal requirements governing a delegation of service agreement with the supervising physician, which must be in place before a physician assistant prescribes medications. Petitioner is encouraged to make himself familiar with these areas.

5. During petitioner's testimony, it became apparent that he was not knowledgeable about the requirements for practice protocols. He is encouraged to make himself familiar with them.

6. Although petitioner should be commended for his desire to serve MediCal patients, he is not yet ready to be released from probationary supervision. This was demonstrated by the serious deficits in his knowledge about the legal requirements governing the practice of physician assistants in areas closely related to the cause of his license discipline. Based upon the above findings, petitioner is not yet ready for termination of his probation.

LEGAL CONCLUSIONS


1. Petitioner failed to establish cause to terminate his probation pursuant to Government Code section 11522, as found in Findings 2 through 6.

ORDER

The Petition for Penalty Relief, Termination of Probation, of petitioner Alexis Constantine Nixon is denied.

The Decision shall become effective at 5:00 p.m. on **June 15, 2006**

Dated: May 16, 2006

A handwritten signature in black ink, appearing to read "Robert E. Sachs", written over a horizontal line.

ROBERT E. SACHS, PA-C
CHAIRPERSON
PHYSICIAN ASSISTANT COMMITTEE